

# NOTICE OF PROPOSED RULEMAKING

## CHAPTER 811 BOARD OF CHIROPRACTIC EXAMINERS

FILING CAPTION: Adopts language for non-disciplinary administration for minor rule violations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/25/2018 5:00 PM

HEARING(S):

DATE: 01/25/2018

TIME: 8:30 AM - 9:00 AM

OFFICER: Jason Young DC, Board Chair

ADDRESS: Oregon State Board of Nursing  
17938 SW Upper Boones Ferry Rd.

Portland, OR 97224-7012

SPECIAL INSTRUCTIONS:

Call in will be available

NEED FOR THE RULE(S):

To improve efficiencies and expedite processing of minor administrative rule violations while providing required due process

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 684.155, and Oklahoma Field Citation

FISCAL AND ECONOMIC IMPACT:

Decrease in OBCE staff time, assistant attorney general fees and faster resolution of cases for licensees

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) Oregon chiropractic licensees; 2) a. May have effect on a small percent of licensees operating as sole owners, or small business; 2) b. Reduced cost and time involved for licensee; 2) c. Little to no fiscal impact

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

public comment provided

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT,

WHY NOT? This rule brings efficiencies to current practice.

CONTACT:

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ADOPT: 811-035-0036

RULE TITLE: Non-Disciplinary Administrative Citations for Minor Violations

RULE SUMMARY: Adopts language for non-disciplinary administration for minor rule violations

RULE TEXT:

(1) The Board may issue a Notice of Civil Penalty Citation for violations of the Oregon Administrative Rules that the Board deems minor in degree. Such Notices shall include an explanation of, and opportunity for, hearing rights in accordance with the Oregon Administrative Procedures Act. The Notices shall be considered a Final Order on Default, with appeal rights, if the licensee fails to request a hearing within the required time. The Board delegates its authority to issue said Notices to the Board's Executive Director and staff. Minor violations include, but are not limited to:

- (a) Failing to maintain current email, business, and mailing addresses with the Board;
  - (b) Failing to pay any fines or fees owed to the Board;
  - (c) Failing to comply with continuing education requirements;
  - (d) Failing to attend the Introduction to the Board meeting when required by the Board;
  - (e) Failing to notify the Board within 10 days when licensee is convicted of a misdemeanor or felony, or who is arrested for a felony crime;
  - (f) Failing to release patient records upon written request within 30 days;
  - (g) Failing to provide notice when leaving, selling, or retiring from the chiropractic office where the chiropractic physician has provided chiropractic services no later than 30 days prior to the last date the chiropractic physician saw patients.
- (2) Instances in which the Board issues a Notice and Final Order that assesses a civil penalty under this rule are not considered part of a licensee's disciplinary history, and therefore will not be considered in the event a licensee commits a violation that is of the type generally considered part of a licensee's disciplinary history. Violations listed above are considered non-disciplinary by the Board and will not be reported to the National Practitioners Data Bank (NPDB) or the Healthcare Integrity and Protection Data Bank (HIPDB).
- (3) The Board may include a violation listed above in a licensee's disciplinary history if the licensee

does not correct the violation, the licensee engages in repeat violations of the cited statute or rule, or the Board identifies the violation in conjunction with the investigation of other violations that are generally considered part of a licensee's disciplinary history.

STATUTORY/OTHER AUTHORITY: 684

STATUTES/OTHER IMPLEMENTED: 684.100, 684.155